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CENTRAL FAX CENTER****NOV 17 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Applicant: Micko)	Art Unit: 2878
)	
Serial No.: 10/600,314)	Examiner: Lee
)	
Filed: June 20, 2003)	1187-1.CIP
)	
For: IMPROVED PIR MOTION SENSOR)	November 17, 2005
)	750 B STREET, Suite 3120
)	San Diego, CA 92101
)	

RESPONSE TO NOTICE OF DEFECTIVE BRIEF

Commissioner of Patents and Trademarks

Dear Sir:

This responds to the Notice of Defective Brief dated November 15, 2005, alleging that the brief fails to include an argument under separate headings for each ground of rejection, and that the claims "should be" double-spaced.

Appellant fails to understand the first allegation. Only one ground of rejection was presented in the final office action, and as stated in Section 6, only one ground of rejection is at issue. Why should Section 7 contain more than one separate heading? Explanation is required.

The second allegation is correct, indeed quoting the permissive language of MPEP §1205.02 to the effect that the claims "should" be double spaced. The Patent Office could have employed mandatory language such as "shall" or "must" as it has elsewhere in the MPEP, but chose not to, instead using advisory language which perforce leaves the spacing of the claims up the discretion of Appellants. Should the allegation of defectiveness be persisted in, explanation is required as to why the plainly advisory language of MPEP

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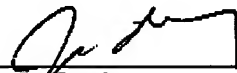
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§1205.02 nevertheless must be construed to levy a mandatory requirement notwithstanding the choice of the Patent Office to use advisory language.

Respectfully submitted,



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JLR:jg

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